

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-20926

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

WESLEY JOSEPH SLANINA,
also known as Wesley J. Slanina,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Texas, Houston

ON REMAND FROM SUPREME COURT
OF THE UNITED STATES
November 27, 2002

Before JOLLY, SMITH and BENAVIDES, Circuit Judges.

BY THE COURT:

IT IS ORDERED that appellant's motion for summary remand is GRANTED. We view the Supreme Court order of remand to this court as vacating the judgment of this court, not the judgment and conviction of the district court. We remand to the district court, as suggested by both parties, so that the district court may decide in the first instance the impact of *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 122 S.Ct. 1389 (2002), on the judgment of

conviction and sentence.